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Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 DODE-00 NSAE-00 ICA-11
TRSE-00 SOE-02 DOE-15 CIAE-00 COME-00 ACDA-12
OES-07 EA-10 /078 W
----------006337 031046Z /21
R 030954Z MAY 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 0951

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 14186

USOECD

EXCON

E.O. 11652: XGDS1
TAGS: ESTC, COCOM
SUBJECT:SPECIAL COCOM MEETING - TECHNOLOGY CONTROLS

REF: STATE 98593

1. SUMMARY: AT SPECIAL COCOM MEETING APRIL 25-26, ALL OTHER COCOM MEMBERS, EXCEPT FOR GERMANY, GAVE EQUIVOCAL RESPONSES TO U.S. QUESTION ON WHETHER THEY CAN CONTROL TECHNOLOGY FOR PRODUCTS WHICH ARE NOT THEMSELVES CONTROLLED. END SUMMARY.

2. IN COCOM DOC. PROC. (78) 2 WHICH WAS DISCUSSED AT SPECIAL COCOM MEETING APRIL 25-26, THE NETHERLANDS PROPOSED THAT ADMINISTRATIVE PRINCIPLE 5 (AP-5) NOT BE APPLIED TO CASES IN WHICH CONTROLS ON COMMODITIES AND PROCESS AND/OR MANUFACTURING EQUIPMENT WERE ADEQUATE TO CONTROL THE FLOW OF TECHNOLOGY. HOWEVER AT THE MEETING THE NETHERLANDS DEL STATED THAT THEY DID NOT INTEND TO PROPOSE A SEPARATE LISTING OF ITEMS TO WHICH AP-5 SHOULD NOT APPLY.
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3. DURING THE MEETING THE USDEL SPECIFICALLY ASKED THE OTHER DELEGATIONS WHETHER THEIR GOVERNMENTS CAN CONTROL TECHNOLOGY FOR PRODUCTS WHICH ARE NOT THEMSELVES CONTROLLED. THE RESPONSES OF THE OTHER DELEGATIONS WERE AS FOLLOWS:

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A. GERMAN DEL EXPLICITY CONFIRMED THAT THE GERMAN GOVERNMENT HAS THE POSSIBILITY OF CONTROLLING KNOW-HOW WITHOUT THE CONTROL OF COMMODITIES AND INDICATED THIS WAS BEING DONE NOW FOR ITEM 1564 (SEMI-CONDUCTORS).

B. FRENCH DEL SIMPLY REFERRED TO PREVIOUS FRENCH STATEMENTS REGARDING THE CONTROL OF TECHNOLOGY: PARAS 3-6, DOC CONTR (77) 3.9 AND PARAS 292-300, DOC. SUB-C CONTR (76) 1.

C. NETHERLANDS DEL REFERRED TO EXTENSIVE CONSULTATION OF ITS GOVERNMENT WITH INDUSTRY AND TO THE LACK OF ANY EVIDENCE DURING THE 28 YEARS OF COCOM THAT "ANY RELEVANT TECHNOLOGY HAS BEEN UNDULY PROVIDED" FROM THE NETHERLANDS TO ANY PROSCRIBED COUNTRY.

D. UKDEL SAID THAT WHILE IT HAD NO WRITTEN STATUTE TO CONTROL TECHNOLOGY ITS SYSTEM WAS SO FLEX-IBLE THAT IT COULD HONOR WHATEVER APPROACH THE COMMITTEE CAME UP WITH IN THIS REGARD. UKDEL TOLD USDEL BILATERALLY THAT IT WOULD PROBABLY HAVE TO CONTINUE NOMINAL COMMODITY CONTROLS EVEN IF COCOM DID NOT IN SOME AREAS.

E. CANADIAN DEL SAID THAT THE ONLY EXISTING CANADIAN LEGISLATION TO CONTROL TECHNOLOGY WAS IN THE NUCLEAR AREA. THEY NOTED, HOWEVER, THE EMERGING MOOD OF THE COMMITTEE TO EMPHASIZE TECHNOLOGY CONTROLS AND SAID THAT THEY WERE PLANNING DISCUSSION AT MINISTERIAL LEVEL (INCLUDING PRIME MINISTER) REGARDING THIS QUES-

TION. (IN EARLIER BILATERAL DISCUSSIONS CANADIANS HAVE INFORMED USDEL THAT CANADA CAN IN FACT CONTROL ANY TECHNOLOGY IN A PHYSICAL FORM, E.G., IN DOCU-MENTS.)

F. ITALIAN DEL NOTED THAT NEW DRAFT ITALIAN REGULATIONS ON TECHNOLOGY WILL BE PRESENTED TO COCOM WITHIN A WEEK.

G. JAPANESE DEL REFERRED TO THE LACK OF A DOMESTIC LEGAL BASIS IN JAPAN TO CONTROL TECHNOLOGY.

H. NO OTHER DELEGATIONS WERE PRESENT AT THE MEET-ING.

4. NETHERLANDS AND GERMAN DELS URGED THAT THE COMMIT-TEE IDENTIFY CRITICAL TECHNOLOGIES BECAUSE THE AP-5 WORDING IS TOO BROAD. UKDEL SAID THAT THE ONLY WAY TO

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OES-07 EA-10 /078 W
----------006328 031046Z /21
R 030954Z MAY 78
FM AMEMBASSY PARIS
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DO THIS WAS ITEM BY ITEM. UKDEL TOLD USDEL BILATERALLY THAT THEY BELIEVE THAT U.S. TECHNICAL DATA REGULATIONS ARE TOO DETAILED PERMITTING LOOPHOLES.

5. JAPAN AND NETHERLANDS ARGUED AGAINST REMOVING "SO FAR AS PRACTICABLE" FROM THE TECHNOLOGY NOTES AT THE BEGINNING OF EACH LIST WHICH WAS PROPOSED BY THE U.S. IN PARA C OF ITS PROPOSAL, COCOM DOC. PROC (78) 1.7 AND 2.7 (REFTEL). ARGUMENTATION PUT FORWARD BY THESE TWO DELEGATIONS WAS THE SAME USED BY SEVERAL DELEGATIONS LAST DECEMBER DURING THE CRITERIA DISCUSSIONS ON THIS SAME POINT.

6. REFERRING TO THE INCONCLUSIVE DISCUSSIONS ON THE TECHNOLOGY DURING THE MEETING, NETHERLANDS DEL EXPRESSED REGRET THAT IT APPEARED IMPOSSIBLE TO DISCONTINUE CONTROLS ON PRODUCTS NOW IN EFFECT ONLY TO CONTROL THE TECHNOLOGY. USDEL RESPONDED THAT IT WAS PREMATURE TO REACH SUCH A CONCLUSION BUT THAT IT MIGHT BE NECESSARY TO CONDITION LIST REVIEW PROPOSALS TO RELAX PRODUCT CONTROLS ON THE RESOLUTION OF TECHNOLOGY QUESTIONS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COMMITTEE MEETINGS, STRATEGIC TRADE CONTROLS, TECHNOLOGICAL EXCHANGES
Control Number: n/a
Copy: SINGLE
Draft Date: 03 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978PARIS14186
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X1
Errors: N/A
Expiration:
Film Number: D780188-0451
Format: TEL
From: PARIS USOECD
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780597/aaaadfbj.tel
Line Count: 158
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2d3123a5-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 98593
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 18 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2804461
Secure: OPEN
Status: NATIVE
Subject: SPECIAL COCOM MEETING - TECHNOLOGY CONTROLS
TAGS: ESTC, COCOM
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/2d3123a5-c288-dd11-92da-001cc4696bcc
Review Markings:
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Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014